

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the	)	
relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941-BDB-ACE
-v-	)	
	)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,	)	
	)	
Defendants.	)	
_____	)	

MOTION OF SPECIAL MASTER  
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black  
United States District Judge

FROM: Vickie L. Gabin  
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving interim fees and expenses for work performed in this case from January 1, 2003, through June 30, 2003. Most of the fees and expenses have already been paid from the trust account.

## I. WORK PERFORMED

### A. Case management

The Court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), Section 5 (Rio Gallina), and Section 7 (Tierra Amarilla). I continue to review and approve consent orders, acknowledgments, and motions relevant to subfile activity in these sections. The Office of the State Engineer's hydrographic survey staff is working steadily to complete surveys and hold field sessions to meet with individual water rights claimants who have problems with their consent orders.

### B. Section 5 adjudication

Following a final pretrial conference January 3, I entered a Pretrial Order for the litigation of the four groups of disputed subfiles in the Gallina Section. I resolved various pretrial motions, and held hearings January 28-30 and February 6-7. Proposed finding and conclusions were submitted in May; I am working on the four special master reports. I held discussions with section attorneys regarding the scheduling of historical reports and entered a June 24 Order on historical reports for Sections 3, 5, and 7.

### C. Section 3 adjudication

The adjudication of individual water rights claimants proceeds, and numerous consent orders have been processed and filed.

### D. Section 7 adjudication

Numerous consent orders have been processed and filed in the Cañones, Rutheron and Plaza Blanca, Rio Brazos and Rito de Tierra Amarilla subsections. Only the hydrographic survey for the Village of Chama subsection remains to be filed.

E. Other non-federal defendant activity

The Office of the State Engineer is evaluating enforcement actions for illegal diversions/overuse in the Rio Chama, and plans to file some requests with the Court this summer. On June 5 I met informally with the attorneys and water rights claimants involved in one potential dispute in the Village of Chama subsection, and worked out a strategy for proceeding without a priority call at this time.

F. Federal and Indian water rights claims

The State is still formulating its position with respect to certain legal issues. I anticipate holding a status conference later this year.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for my fee application, and that the work of data manager Karla McCall, Geta A. Gatterman, paralegal and administrative assistant, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: July 24, 2003

s /electronic signature/  
VICKIE L. GABIN, SPECIAL MASTER